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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/96,808	11.30.2001	Willie Luther Stamey JR.	DANA-260	2667

23599 7590 05.13.2003

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EXAMINER

GREENE, JASON M

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,808

Applicant(s)

STAMEY ET AL.

Examiner

Jason M. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claims

2. With regard to claim 1, the Examiner suggests Applicants insert either the word "the" or the word "said" between the words "with" and "first" in line 5 to improve the readability of the claim language.

3. With regard to claim 1, the Examiner suggests Applicants change the word "a" in line 11 to the word "an" to correct the minor grammatical informality.

4. With regard to claim 1, the Examiner notes that the limitation "the end cap" in line 7 has been interpreted as meaning the first end cap since the gasket is seated on the first end of the filter element. The Examiner suggests Applicants change the limitation "the end cap" in line 7 to read as "the first end cap" to improve the clarity and precision of the claim language.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ager et al. in view of Brown '767.

With regard to claim 1, Ager et al. discloses an air filter comprising an annular filter element (16) having an annular filter media (110) with first and second ends closed by first (100) and second (not numbered, part of 30) annular end caps, a gasket (60) sealed within the first end of the filter media, the gasket comprising a unitary body of resilient material having a radially extending flange portion (134) for overlying a radially extending portion of the first end cap and having an axially extending body portion (130), and an internally facing sealing surface (90) for engaging an air outlet pipe (70) in Figs. 1-5 and col. 2, line 49 to col. 5, line 5. The Examiner notes that the flange (70) is seen as forming a part of the air outlet pipe.

Ager et al. does not disclose the gasket being seated in an initial snap fit with the first end cap, the gasket having an annular outwardly facing groove in the axially

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extending body portion of the unitary body for receiving an axially extending portion of the end cap therein, or the gasket having a tapered portion of the unitary body extending from the groove in a direction away from the radial flange.

Ager et al. discloses a second air filter (18) having a gasket (62), the gasket being seated in an initial snap fit with a first end cap (160), the gasket having an annular outwardly extending groove (not numbered, region between 184 and 192) in an axially extending body portion of the unitary body for receiving an axially extending portion of the end cap therein in Figs. 1, 2, and 5 and col. 4, lines 45-66.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the annular groove and initial snap fit of the second filter element of Ager et al. into the first filter of Ager et al. to mechanically lock the axially extending portion of the end cap to the gasket so that the end cap is substantially encapsulated by the gasket, as suggested by Ager et al. in col. 4, lines 58-66.

Brown '767 discloses a similar air filter having a gasket having a tapered portion (94) on the unitary body in Figs. 2 and 3 and col. 4, lines 5-7.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the tapered portion of Brown '767 into the gasket of Ager et al. such that the tapered portion extends from the groove in a direction away from the radial flange to reduce the amount of material required to produce the gasket.

With regard to claim 2, Ager et al. discloses the air filter further comprising a circular end plate (30) adhered to the second end of the filter media in Fig. 1 and col. 2, line 62 to col. 3, line 11.

Ager et al. does not explicitly disclose the end plate being made of metal or plastic.

Brown '767 discloses a similar a similar air filter having a circular end plate (30) made of metal adhered to the second end of the filter media in Fig. 1 and lines 1-11 of the abstract.

With regard to claim 3, Ager et al. does not disclose the circular end plate having a pull tab thereon for pulling the air filter away from the air outlet pipe.

Brown '767 discloses a similar air filter wherein the circular end plate (30) has a pull tab (50) thereon for pulling the air filter away from the air outlet pipe in Fig. 7 and col. 3, lines 30-33.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the pull tab of Brown '767 into the air filter of Ager et al. to facilitate extracting the air filter from the housing, as suggested by Brown '767 in col. 3, lines 30-33.

With regard to claim 4, Ager et al. discloses the annular filter media being disposed between inner (122) and outer (120) liners of perforated metal in Fig. 2 and col. 4, lines 9-16.

With regard to claim 5, Ager et al. discloses the gasket being retained on the first end of the filter element by adhesive after having been secured with an initial snap fit in col. 3, lines 57-64.

With regard to claims 6 and 8, Ager et al. discloses the gasket being made from polyurethane and foam rubber in col. 3, lines 29-33.

With regard to claim 7, Ager et al. discloses the internally facing sealing surface (90) having a plurality of annular ribs for engaging the outlet pipe in col. 3, lines 53-56.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Binder et al. '261, Grotto, Binder et al. '456, Ehrenberg, Mullins et al., and Robinson references disclose similar air filters.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (703) 308-6240. The examiner can normally be reached on Tuesday - Friday (7:00 AM to 5:30 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (703) 308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jason M. Greene
Examiner
Art Unit 1724



jmg
May 6, 2003

DUANE SMITH
PRIMARY EXAMINER


5-8-03